

IN RE: PETITION FOR VARIANCE  
W/S Akron Road, 200' NE of  
the c/l of Kenwood Avenue  
(8502 Akron Road)  
14th Election District  
6th Councilmanic District  
  
O'Shea Custom Contracting, Inc.  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-478-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 8502 Akron Road, located in the vicinity of Golden Ring Road in Rossville. The Petition was filed by the owner of the property, O'Shea Custom Contracting, Inc., by Timothy O'Shea, President, through their attorney, Newton A. Williams, Esquire. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Timothy O'Shea, President and owner of O'Shea Custom Contracting, Inc., and Newton A. Williams, Esquire, attorney for the Petitioner. Appearing as a Protes-  
tants in the matter were numerous residents from the surrounding community who were represented Robert Stange, Esquire.

Testimony and evidence offered revealed that the subject property consists of 0.167 acres, more or less, zoned D.R. 5.5, and is presently unimproved. The property is located within an older subdivision, known as Kenridge, which was developed many years ago with mainly 50-foot wide lots. Testimony revealed that the Petitioner recently purchased Lots 60, 61, and

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Date

By

MICROFILMED

63 from the previous owner who has moved to a retirement home. Lot 63 is improved with a two-story, cape cod single family dwelling, which the Petitioner is in the process of renovating for future resale. Lot 60, which is the subject of this request, and Lot 61 are currently vacant. Mr. O'Shea testified that he intends to develop both Lots 60 and 61 with a two-story, single family dwelling, containing three bedrooms, 2 and 1/2 baths, and a full basement, for approximately \$137,000 each. Each lot will have a driveway in the front yard to allow for off-street parking for up to two vehicles. Mr. O'Shea testified that this is a desirable neighborhood in which to locate infill development and he is anxious to begin construction; however, due to the narrow width of the lots in question, the requested variance is necessary in order to proceed as proposed.

It is important to note that the lot width need only be 55 feet across the front foundation line of the house itself, and not along the front property line on Akron Road. However, Mr. O'Shea wishes to construct these two houses in line with the existing dwellings on Akron Road to maintain a more consistent and orderly development, in lieu of a staggered look. However, without the requested variance relief, this cannot be accomplished. It should also be noted that Lot 61 is a pie-shaped lot, with a road frontage width of roughly 50 feet; however, the lot increases in width towards the rear of the property, given its pie-shaped character. Therefore, it is entirely possible that the Petitioner could construct a house on both Lots 60 and 61, provided they are situated further back on the property and a lot line adjustment is accomplished through the Department of Permits and Development Management (DPDM).

As noted above, numerous residents from the surrounding community appeared in opposition to the request. They were represented by Robert

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Date 8/2/66  
Hep

Stange, Esquire. The Protestants asserted that they are concerned that the proposed development of these two lots would be an overdevelopment of this community. Testimony revealed that there are already drainage problems in the neighborhood and that parking is also a problem. After realizing that the Petitioner intends to provide on-site parking, the fears over the shortage of parking were lessened; however, the neighbors still maintained that drainage problems are an issue and requested that the Petitioner be required to provide adequate drainage from the two properties out to Akron Road. After hearing that the Petitioner could develop both lots, provided that the houses are situated further to the rear of the property, the Protestants' opposition to the request was also lessened. Furthermore, the neighbors agree that any houses to be constructed on these properties should line up with the others along this street.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

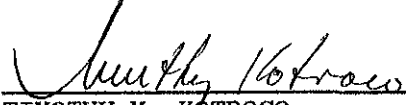
Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

runoff, both existing and potential, which might be generated by the proposed development on these lots. The Petitioner shall also dedicate to Baltimore County a 10-foot drainage and utility easement along the rear property line of both Lots 60 and 61, in the event additional storm water management is needed along the rear of these lots.

3) The Petitioner shall provide off-street parking for a minimum of two spaces on both Lots 60 and 61.

4) The Petitioner shall construct both houses on Lots 60 and 61 at the same time, to reduce the impact of the proposed development upon the adjoining property owners, as well as the neighborhood itself.

5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

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Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 5, 1996

Newton A. Williams, Esquire  
Nolan, Plumhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
W/S Akron Road, 200' NE of the c/l of Kenwood Avenue  
(8502 Akron Road)  
14th Election District - 6th Councilmanic District  
O'Shea Custom Contracting, Inc. - Petitioner  
Case No. 96-478-A

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Robert Stange, Esquire  
220 Bosley Avenue, Towson, Md. 21204

Mr. Timothy S. O'Shea, O'Shea Custom Contracting, Inc.  
530 E. Joppa Road, Towson, Md. 21286

People's Counsel

File

MICROFILMED





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8502 Akron Road

96-478-A

which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Variance from Section 1B02.3.C.1 (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 foot width.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be discussed at Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Nolan, Plunhoff & Williams

(Type or Print Name)

Newton Williams

Newton A. Williams

Signature

210 W. Pennsylvania Ave.

Suite 700 - Court Towers 823-7856

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

O'Shea Custom Contracting, Inc.

By: Timothy O'Shea - President

(Type or Print Name)

Signature

(Type or Print Name)

Signature

530 E. Joppa Road

410-823-1012

Address

Phone No

Towson,

MD

21286

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Engineer: W. Duvall & Associates, Inc.

G. Dwight Little, Jr. PE 16019

Name

530 E. Joppa Road

410-583-9571

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Set 1. hr.  
the following dates after 7/6 Next Two Months

ALL

OTHER

REVIEWED BY: Jed

DATE 6-7-96

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Zoning Administration

Development Management

#489

**W. D. DALL & ASSOCIATES, INC.**

**Engineers • Surveyor • Land Planners**



76-478-A

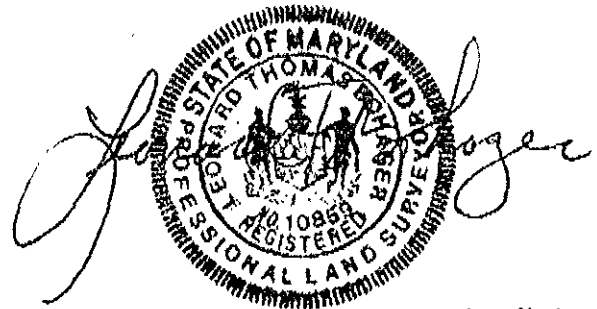
530 East Joppa Road  
Towson, Maryland 21286

Telephone: (410) 583-9571  
Fax: (410) 583-1513

**ZONING DESCRIPTION FOR  
8502 AKRON ROAD**

BEGINNING at a point on the west side of Akron Road which is 40 feet wide at a distance of 200 feet northeasterly of the centerline of the nearest improved intersecting street, Kenwood Avenue, which is 30 feet wide. Being Lot No. 60 in the subdivision of "Kenridge" as recorded in Baltimore County Plat Book C.W.B., Jr. 12 Folio 92.

CONTAINING 7,250 square feet or 0.167 acres. Also known as 8502 Akron Road and located in the 14th Election District, 6th Councilmanic District.



6-6-96

# 489

RECORDED

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY** 96-448-1A  
Towson, Maryland

District 14th

Date of Posting 6/22/96

Posted for: Donaco

Petitioner: O'Shea Construction, Inc

Location of property: 8302 Hickory Rd. 415

Location of Sign: Facing 700 block on property being zoned

Remarks: \_\_\_\_\_

Posted by: M. H. Kelly

Signature

Date of return: 6/28/96

Number of Signs: 1

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**NOTICE OF HEARINGS**

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on Monday, July 10, 1996 at 9:00 a.m. in Rm. 118, 0th Courthouse.

Case: 88-0018  
 Hearing: 7/10/96  
 8502 Avenue Road  
 WMS Arvon Road 2807 NE of  
 of Kenwood Avenue  
 14th District  
 8th Councilman  
 Legal Owner(s):  
 O'Shea Custom Contracting,  
 Inc.

Variance: to permit a lot width of 50 feet in lieu of the required 55 foot width.  
 Hearing: Wednesday, July 10, 1996 at 9:00 a.m. in Rm. 118, 0th Courthouse.

LAWRENCE E. SCHMIDT  
 Zoning Commissioner for  
 Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3353.  
 (2) For information concerning the file and/or Hearing, Please Call 887-3391.

6/19/96 June 20 C81102

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 6/20, 19 96

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/20, 19 96.

**THE JEFFERSONIAN,**

*A. H. Emile*  
**LEGAL AD. - TOWSON**

**MICROFILMED**

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FIN. & REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

Item No.  
489

012096

DATE 6- -96 ACCOUNT R-001-6150

9

AMOUNT \$ 85.<sup>00</sup>

Owner:

RECEIVED FROM: O'Shea Custom Contracting, Inc.

# 010 — Residential Variance Filing Fee — 50.<sup>00</sup>

# 080 — Sign & Posting — 35.<sup>00</sup>

FOR: \_\_\_\_\_

MICROFILMED

01A00H0319NICHRC

Total \$ 85.<sup>00</sup>

Site: 8502 AK 012096 06-07-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 489 Petitioner: O'SHEA CUSTOM CONTRACTING, INC.

Location: 8502 ARLON ROAD BALTIMORE, MD. 21237

PLEASE FORWARD ADVERTISING BILL TO:

NAME: O'SHEA CUSTOM CONTRACTING, INC.

ADDRESS: 530 E. JOPPA ROAD  
TOWSON, MARYLAND 21286

PHONE NUMBER: 410-823-1012

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY  
June 20, 1996 Issue - Jeffersonian

Please forward billing to:

O'Shea Custom Contracting, Inc.  
530 E. Joppa Road  
Towson, Maryland 21286  
823-1023

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-478-A (Item 489)  
8502 Akron Road  
W/S Akron Road, 200' NE of c/l Kenwood Avenue  
14th Election District - 6th Councilmanic  
Legal Owner(s): O'Shea Custom Contracting, Inc.

Variance to permit a lot width of 50 feet in lieu of the required 55 foot width.

HEARING: WEDNESDAY, JULY 10, 1996 at 9.00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

HEARING: WEDNESDAY, JULY 10, 1996 at 9.00 a.m. in Room 118, Old Courthouse.



Arnold Jablon  
Director

cc: O'Shea Custom Contracting, Inc.  
W. Duvall & Associates, Inc.  
Newton A. Williams, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

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A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: O'Shea Custom Contracting, Inc.  
W. Duvall & Associates, Inc.  
Newton A. Williams, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
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(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 3, 1996

Newton A. Williams, Esquire  
210 W. Pennsylvania Avenue  
Suite 700 Court Towers  
Towson, MD 21204

RE: Item No.: 489  
Case No.: 96-478-A  
Petitioner: Timothy O'Shea

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 7, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "Carl Richards, Jr.", is written over a circular stamp that contains the word "Seal".

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

MICROFILMED



John Alexander

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: June 21, 1996

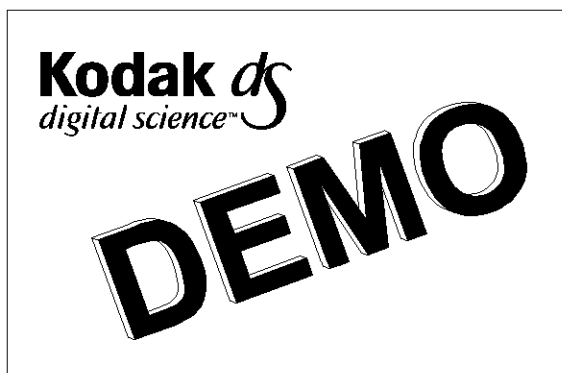
FROM: *RWB* Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for June 24, 1996  
Item Nos. 484, 485, 488, & 489

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

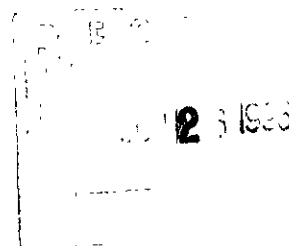
RWB:jrb

cc: File



ENCLOSURE

ZONE14



Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410)887-4880

DATE: 06/20/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 17, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 483, 484, 485, 486, 488 & 489.

JUN 21 1996

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECORDED





BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM / Roslyn Eubanks  
FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

DATE: 6/14/96

SUBJECT: Zoning Advisory Committee  
Meeting Date: June 17

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 483  
484  
485  
486  
487  
488  
489

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO:      Arnold Jablon, Director  
         Permits and Development  
         Management

DATE:   June 12, 1996

FROM:   Pat Keller, Director  
         Office of Planning

SUBJECT:   Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 467, 471, 472, 473, 474, 480, 482, 484, 485, 488, and 489

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Carol L. Kerns*

PK/JL



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

6-18-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 489 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*for* *Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

RE: PETITION FOR VARIANCE  
8502 Akron Road, W/S Akron Road, 200'  
NE of c/l Kenwood Avenue  
14th Election District, 6th Councilmanic

O'Shea Custom Contracting, Inc.  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-478-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

*WILLIAMS*

PETITION

We concerned neighbors request that the variance in Case No. 96-478-A should be denied because it will have an adverse effect on our neighboring properties.

Name: Stanislaw Pazdziencki Address: 8509 Akron Rd

Telephone No. 682-2221 Balt MD 21237

Name: Wanda E Pazdziencki Address: 8509 Akron Rd

Telephone No: 682-2221 Balto, md 21237

Name: Marie K Beres Address: 8503 Akron Rd

Telephone No. 686-6130 Baltimore, Md. 21287

Name: Clyde Fellin Address: 6626 Kenwood Ave

Telephone No. 686 4187 Balto 21237

Name: Betty Faller Address: 6626 Kenwood Ave.

Telephone No: 686-4187 Balto. Md. 21237

Name: Arthur W. Flynn Address: 6621 Kenwood Ave

Telephone No. 687 1580 21237

Name: Maurice W. Flynn Address: 6621 Kenwood Ave 21237

Telephone No. 687-1580

Name: Fred Hartman Address: 6619 Kenwood Ave - 21237

Telephone No. 391-5506

MICROFILMED

PETITION

We concerned neighbors request that the variance in Case No. 96-478-A should be denied because it will have an adverse effect on our neighboring properties.

Name: Richard S. Houck Address: 6616 Kenwood Ave

Telephone No. (410) 391-8559 Balto, Md. 21237

Name: Rosanne M Houck Address: 6616 Kenwood Ave

Telephone No: 391-8559 Balto, Md 21237

Name: Elaine Aaronson Address: 8501 Bassett Rd.

Telephone No. 780-4221 Baltimore, Md. 21237

Name: Clement J. Buan Address: 8505 Bassett Rd

Telephone No. 687-7310 Balto Md 21237

Name: Gertrude J. Buan Address: 8505 Bassett Rd

Telephone No: 687-7310 Baltimore, Md. 21237

Name: Shovel J. Rybaczynski Address: 8507 Bassett Rd.

Telephone No. 574-3207 Balto, Md. 21237

Name: Mildred Rybaczynski Address: 8507 Bassett Rd.

Telephone No. 574-3207 Balto, Md. 21237

Name: Patricia Rybaczynski Address: 8507 Bassett Rd

Telephone No. 574-3207 Balto 21237

PETITION

We concerned neighbors request that the variance in Case No. 96-478-A should be denied because it will have an adverse effect on our neighboring properties.

Name: Michael Bye Address: 6624 Kenwood Ave 21237

Telephone No. 686-5222

Name: Melvin Becker Address: 8509 Bassett Rd. 21237

Telephone No. 686-9489

Name: Eleanor Becker Address: 8509 Bassett Rd.

Telephone No. 686-9489 21237

Name: Angela Procopio Address: 8508 Kern. Ave

Telephone No. 687-7109 21237

Name: TONY PROCOPIO Address: 8508 KERN AVE

Telephone No. 687-7109 21237

Name: Robert Schelhauf Address: 6615 A Golden Ring Rd 21237

Telephone No. 391-1368

Name: Sylvia Aust Address: 6701 Golden Ring Rd.

Telephone No. 391-2089 21237

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

PETITION

We concerned neighbors request that the variance in Case No. 96-478-A should be denied because it will have an adverse effect on our neighboring properties.

Name: Henry Rand Address: 6617 Golden Ring Rd.

Telephone No. 391-8423 Balt. Md. 21237

Name: Annie Parker Address: 8506 Kern Ave

Telephone No. 686-6038 Balto MD 21237

Name: Quinton Parker Address: 8506 Kern Ave.

Telephone No. 686-6038 Balto. MD 21237

Name: Dorothy Kohler Address: 6630 Kenwood Ave.

Telephone No. 687-5178

Name: Beverley Martin Address: 8504 Akron Rd.

Telephone No. 687-2751

Name: Dori Martin Address: 8504 Akron Rd.

Telephone No. 687-2751

Name: William Martin Address: 8504 Akron Rd.

Telephone No. 687-2751

Name: Gail Bye Address: 6624 Kenwood Ave.

Telephone No. 686-5222



PETITION

We concerned neighbors request that the variance in Case No. 96-478-A should be denied because it will have an adverse effect on our neighboring properties.

Name: Julia Burkhardt Address: 8506 Akron Rd

Telephone No. 687-8058 Balto Md #21237

Name: Ken Schulz Address: 8506 Skwon Rd

Telephone No. 687-8058 Balto Md #21237

Name: Joyce Becker Address: 8509 Bassett Rd.

Telephone No. 686-9489 Balto MD 21237

Name: Sandra Schissel Address: 8505 Akron Rd

Telephone No. 686-6664 Balto Md 21237

Name: Ralph W Schissel Address: 8505 AKRON Rd

Telephone No. 686-6664 BALTO MD 21237

Name: Grace Vogelgesang Address: \_\_\_\_\_

Telephone No. 866-3875 1618 Chesaco Ave., Balto, 21237

Name: Donna Vogelgesang Address: 1730 Chesaco Ave 21237

Telephone No. 866-4109 Balto MD 21237

Name: Paul Vogelgesang Address: 1618 Chesaco Ave - 21237

Telephone No. 866-3875 Baltimore, Md. 21237

PETITION

We concerned neighbors request that the variance in Case No. 96-478-A should be denied because it will have an adverse effect on our neighboring properties.

Name: Scholar Festubine Address: 6629 KENWOOD AVE

Telephone No. 574 3931

Name: Lucille Law Address: 8510 Kern Ave

Telephone No. 687-3513 21237

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

**Kodak** *ds*  
digital science™

**DEMO**

## PETITION

We the concerned neighbors request that the variance in case No. 96-478-A, should be denied because it will have an adverse effect on our neighboring properties.

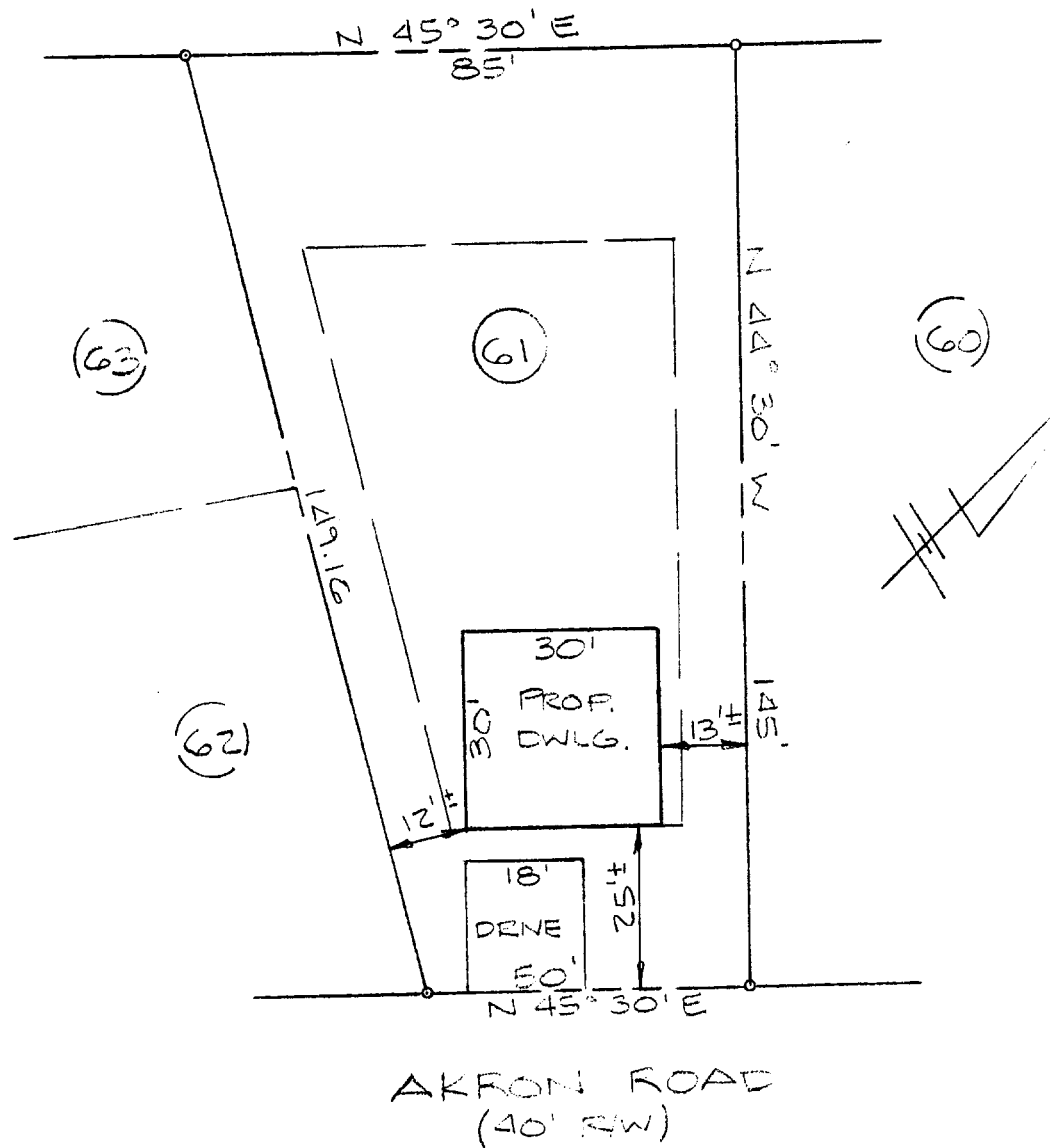
To allow two houses on the lot at 8502 Akron Road, Baltimore County 21237, will violate the intent of the 1955 ruling requiring 55 foot lots. The only reason the petitioners are asking for this variance is for short term profit. There is no reason why one home consistant with the neighborhood can not be built on this lot. Two smaller homes will crowd this dead end street and help add strain on the infrastructure . An infrastructure which Baltimore County does not have budget to properly maintain now.

We have had and will continue to have water line problems on Kenwood and Philadelphia Roads. Akron Road presently has cracking and holes from water undermining the road to underground leakage from the water lines.

There will be no practical difficulty or unreasonale hardship resulting to the petitioner if the variance were to be denied. For the neighbors of Akron Road and neighboring communities this will surely affect the immediate value of properties and create traffic, drainage and parking problems.

**PROTESTANT'S  
EXHIBIT NO. 1**

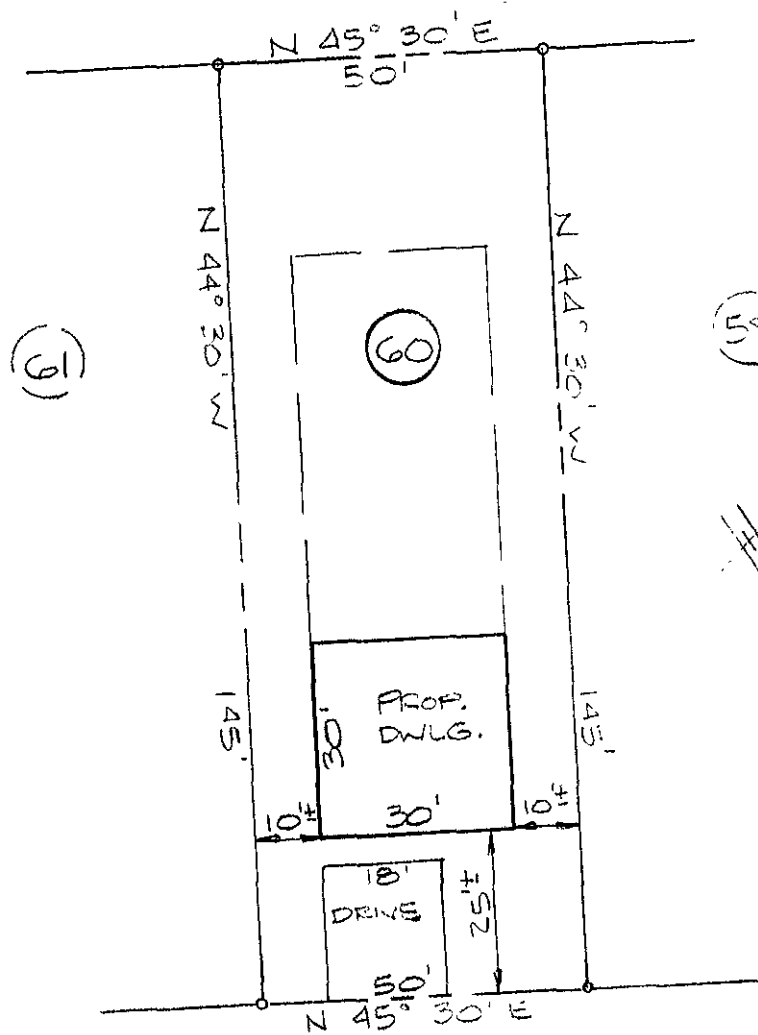
**MICROFILMED**



# PETITIONER'S EXHIBIT 4A

MICROFILMED

PLOT PLAN  
 LOT 61 "KENRIDGE"  
 14<sup>th</sup> ELECT. DIST. BAUTO.  
 SCALE: 1"=30'  
 Δ C.W.E. JR 12/75  
 TYP ACCT # 14-1021



AKRON ROAD  
(40' RW)

PETITIONER'S  
EXHIBIT 4B

MICROFILMED

FILED PLAN  
OF "BRIDGE"  
1/1/1992  
Δ C.W.B. 12/92  
TAX MAP # 14-140386237

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested for the subject property. As noted above, most of the houses in Kenridge are built on lots less than 50 feet in width, which is evidenced by Petitioner's Exhibit 2, a site plan of the Kenridge development. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5<sup>th</sup> day of August, 1996 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall install a drainage swale and berm along the eastern property line of both Lots 60 and 61, to divert all water runoff out to Akron Road. This swale shall be designed to accommodate all water

ORDER RECEIVED FOR FILING

Date

By

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Testimony and evidence offered revealed that the subject property consists of 0.167 acres, more or less, zoned D.R. 5.5, and is presently unimproved. The property is located within an older subdivision, known as Kenridge, which was developed many years ago with mainly 50-foot wide lots. Testimony revealed that the Petitioner recently purchased Lots 60, 61, and

As noted above, numerous residents from the surrounding community appeared in opposition to the request. They were represented by Robert

- 3 -

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28  
(1974).

—

2) The Petitioner shall install a drainage swale and berm along the eastern property line of both Lots 60 and 61, to divert all water runoff out to Akron Road. This swale shall be designed to accommodate all water

TMK-his

People

5

ORDER RECEIVED FOR FILMING  
Date 8/2/66  
By 8/2/66

CONTAINING 7,250 square feet or 0.167 acres. Also known as 8502 Akron Road and located in the 14th Election District, 6th Councilmanic District.

# 489

ORDER RECEIVED FOR FILMING  
Date 6/2/66  
By SPB



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 174 Date of Posting: 6/15/96  
Posted for: Various  
Petitioner: O'Shea Custom Contracting, Inc.  
Location of property: 8502 Akron Road, Towson, MD 21204  
Location of Sign: Posting on property July 10, 1996  
Remarks:  
Posted by: M. J. J. J. Date of return: 6/29/96  
Number of Signs: 1

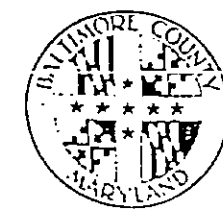
**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 6/20, 1996  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/20, 1996.

THE JEFFERSONIAN,  
A. Henrichson  
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 6-15-96 ACCOUNT: R-001-6150  
AMOUNT: \$ 85.00  
RECEIVED FROM: O'Shea Custom Contracting, Inc.  
FOR: Posting on property  
TOTAL: \$ 85.00



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 489 Petitioner: O'Shea Custom Contracting, Inc.  
Location: 8502 Akron Road, Baltimore, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: O'Shea Custom Contracting, Inc.  
ADDRESS: 530 E. Joppa Road  
Towson, Maryland 21204  
PHONE NUMBER: 410-823-1012

Printed with Soybean Ink  
on Recycled Paper

12

TO: PUTNEY PUBLISHING COMPANY  
June 20, 1996 Issue - Jeffersonian

Please forward billing to:  
O'Shea Custom Contracting, Inc.  
530 E. Joppa Road  
Towson, Maryland 21204  
823-1023

**NOTICE OF HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-478-1 (Item 489)  
8502 Akron Road  
W/S Akron Road, 200' NE of c/l Kenwood Avenue  
14th Election District - 6th Councilmanic  
Legal Owner(s): O'Shea Custom Contracting, Inc.

Variance to permit a lot width of 50 feet in lieu of the required 55 foot width.

HEARING: WEDNESDAY, JULY 10, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**NOTICE OF HEARING**

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Arnold Jablon  
Director

cc: O'Shea Custom Contracting, Inc.  
W. Duval & Associates, Inc.  
Newton A. Williams, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 3, 1996

Newton A. Williams, Esquire  
210 W. Pennsylvania Avenue  
Suite 700 Court Towers  
Towson, MD 21204

RE: Item No.: 489  
Case No.: 96-478-A  
Petitioner: Timothy O'Shea

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 7, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

Printed with Soybean Ink  
on Recycled Paper

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: June 21, 1996

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for June 24, 1996  
Item Nos. 484, 485, 488, & 489

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:jrb

cc: File

ZONE14

2

Baltimore County Government  
Fire Department

700 East Joppa Road  
Towson, MD 21206-5500

Office of the Fire Marshal  
(410)887-4880

DATE: 06/20/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 17, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 483, 484, 485, 486, 488 & 489.

21

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink  
on Recycled Paper



TO: PDM / Roslyn Entwistle DATE: 6/14/96

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: June 17

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 483  
484  
485  
486  
487  
488  
489

RBS: sp  
BRUCE2/DEPRM/TXTSPB

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: June 12, 1996

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 467, 471, 472, 473, 474, 480, 482, 484, 485, 488, and 489

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long  
Division Chief: Carl L. Kerns

PK/JL

ITFM467/PZONE/ZAC

David L. Winstead  
Secretary  
Hai Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 069 (755)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Smail at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE \* BEFORE THE  
5502 Akron Road, W/S Akron Road, 200' \*  
NE of c/l Kenwood Avenue \* ZONING COMMISSIONER  
14th Election District, 6th Councilmanic \*  
O'Shea Custom Contracting, Inc. \* OF BALTIMORE COUNTY  
Petitioner \* CASE NO. 96-478-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plunhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

We concerned neighbors request that the variance in Case No. 96-478-A should be denied because it will have an adverse effect on our neighboring properties.

[illegible]

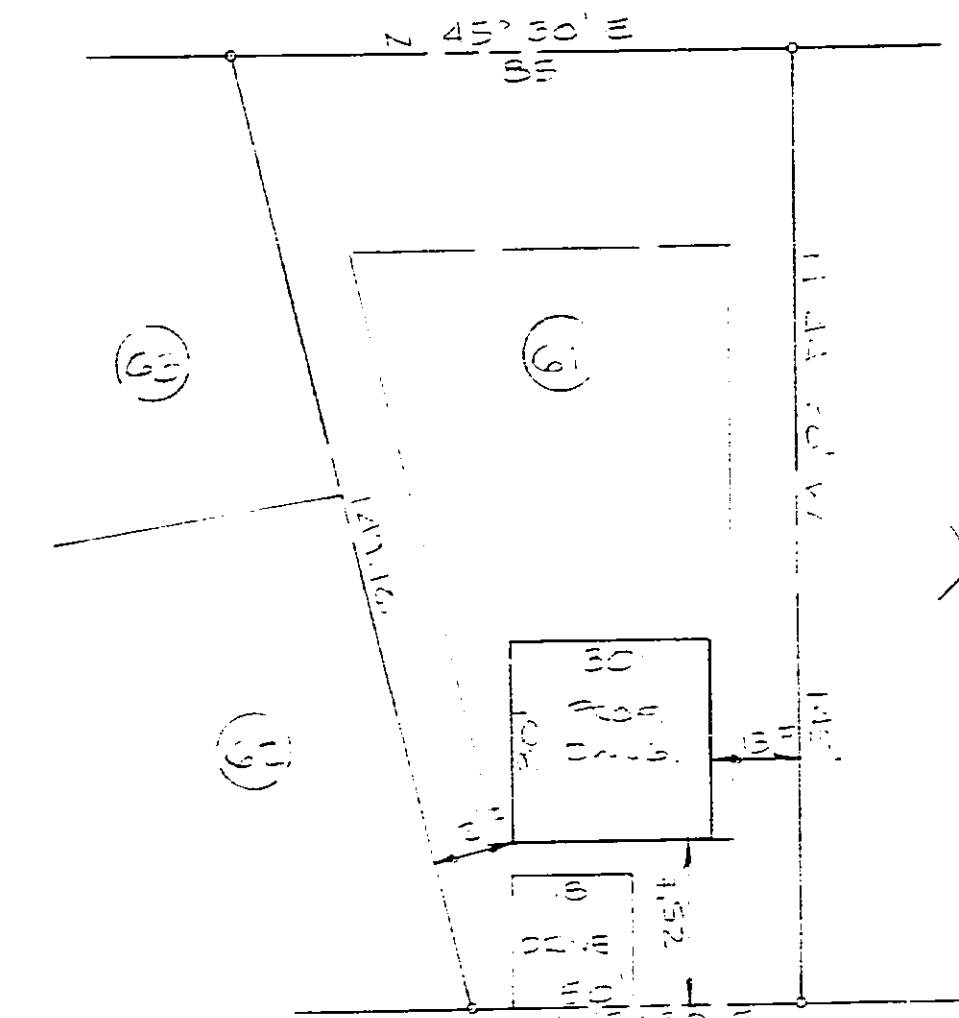
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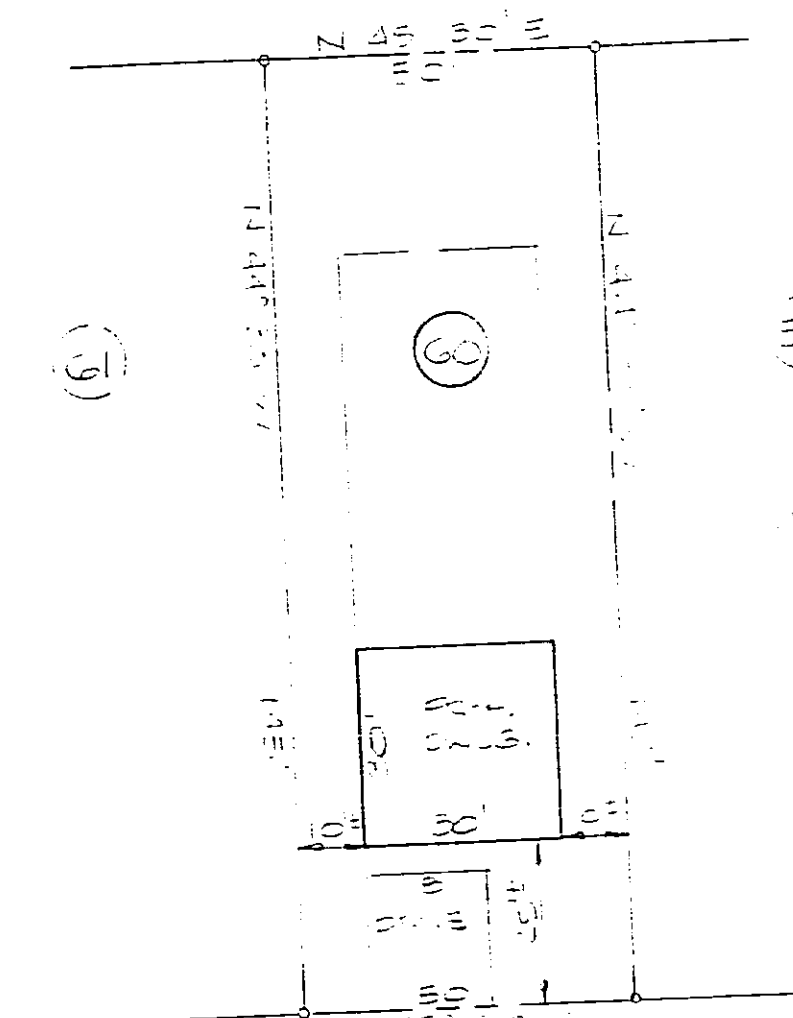
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PROTESTANT'S  
EXHIBIT NO. 1



PETITIONER'S  
EXHIBIT 47

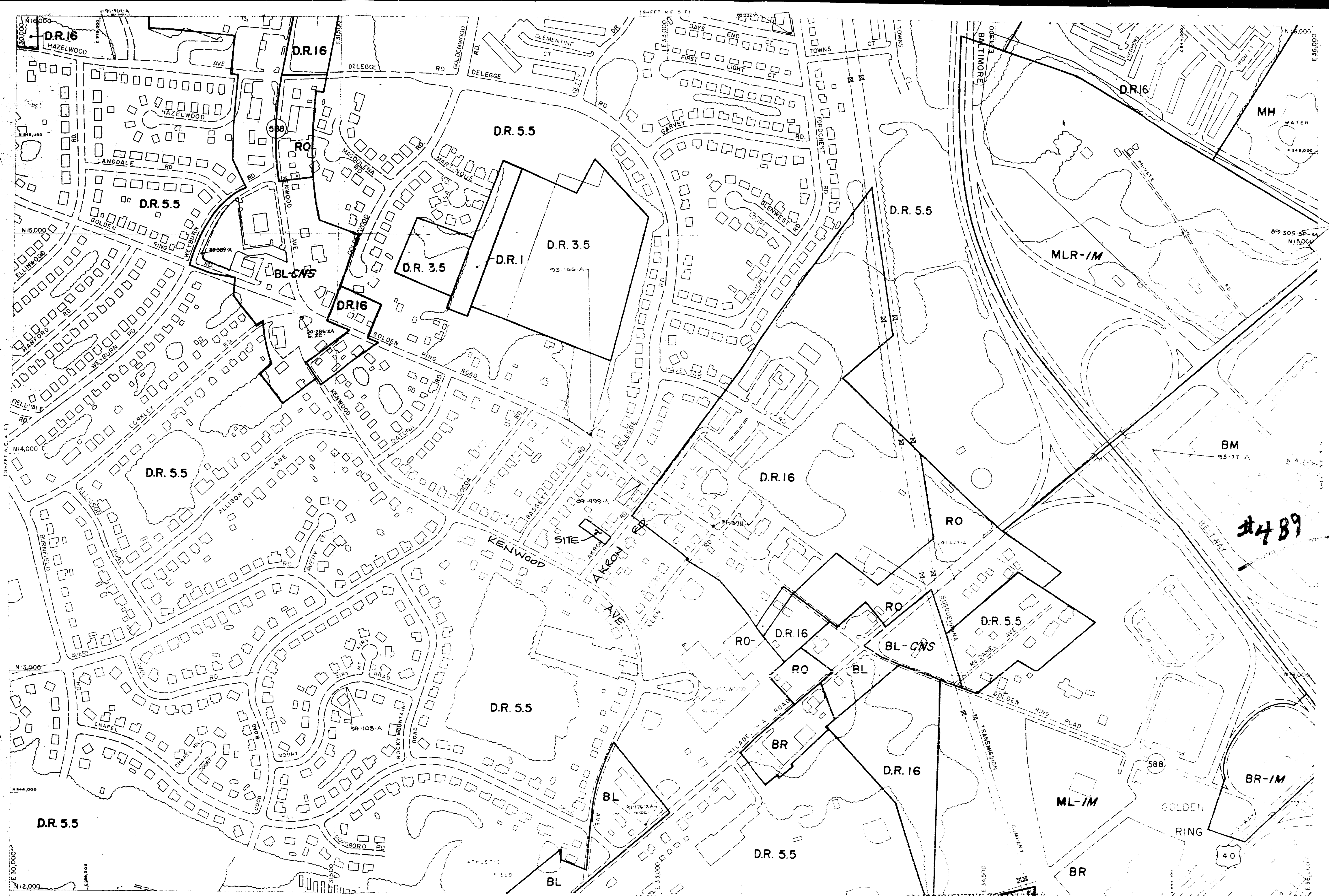


EDITIONER'S  
EXHIBIT 4B









J-NE 1-NW

1988 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Dec. 13, 1988  
 Bill Nos. 444-88, 145-89, 147-88, 148-89, 149-88, 150-88  
*William A. Howard*  
 Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS  
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
 BY BUCHART-HORN, INC. BALTIMORE, MD 21210

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 15, 1992  
 Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92  
*William A. Howard*  
 Chairman, County Council

SCALE 1" = 200'	LOCATION ROSSVILLE GOLDEN RING AREA	SHEET N E 4-F
DATE OF PHOTOGRAPHY JANUARY 1986		

PETITIONER'S  
 EXHIBIT 3

96-478-A

#489